

MINORITY AND WOMEN BUSINESS ENTERPRISES (NCNPS AGREEMENTS)

MINORITY AND WOMEN BUSINESS ENTERPRISE

10/24/05

POLICY

It is the policy of the Department of Transportation that certified minority and women business shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with non-Federal funds under this Agreement.

MBE/WBE OBLIGATION

The recipient or its contractor agrees to ensure minority and women business enterprises have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with non-Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT assisted contracts."

SUBCONTRACTS

The Contractor shall advise each subrecipient or subcontractor that failure to carry out the requirements shall constitute a breach of contract and, after the notification of the Department, may result in termination of the Agreement or contract by the Contractor or such remedy as the Contractor deems appropriate."

MBE/WBE PROGRAM

If as a condition of assistance the Contractor has submitted and the Department has approved a Disadvantaged, Minority and Women Business Enterprise program which the recipient agrees to carry out, this program is incorporated into this Agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of financial assistance. Upon notification of the recipient of its failure to carry out the approved program, the Department may impose sanctions. Such sanctions may include termination of the Agreement or other measures that may affect the ability of the Contractor to obtain future NCDOT financial assistance.

The recipient shall advise each subrecipient, contractor, or subcontractor that failure to carry out the requirements set forth herein shall constitute a breach of contract and, termination of the Agreement or contract by the recipient or such remedy, as the recipient deems appropriate.